



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/559,432

12/05/2005

Ji-hyun Lee

Q91678

2939

23373 7590 02/03/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

MCCORD, PAUL C

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

02/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/559,432</p>	<p>Applicant(s) LEE ET AL.</p>	
	<p>Examiner PAUL MCCORD</p>	<p>Art Unit 2614</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

/Paul McCord/
Examiner, Art Unit 2614

Continuation of 11. does NOT place the application in condition for allowance because: Claims 6-12 remain rejected under 35USC101: applicant's arguments do not alter the fact that the claim does not positively recite a particular machine or apparatus relevant to a significant step in the method. Applicants arguments regarding the art rejections have been considered and are not persuasive. Examiner respectfully submits in re Claim 1: that Ward is directed to overcoming deficiencies of a random sort (Ward: Col 1, l. 42-48), that is Ward seeks to impose a priority or preference in ordering to items in its purview. Particularly Ward ranks items based on explicit user preferences relevant to associations with a content item (metadata) recursively filtering found content items imposing heirarchy in presentation to a user (Ward: Col 2, l. 18-45), thus Ward obviates the broadest reasonable interpretation of assigning priority to attributes of metadata in using explicit preferences of metadata to assign negligible priority to items not explicitly preferred and otherwise ranking preferred items through recursive filtering. Regarding Claim 2: Ward presents metadata to be perceived by audible display, notwithstanding such semantic considerations, Ward discloses his system suitable to display file objects such as audio, and inclusive of a relational database containing content metadata (Ward: Col 5, l. 45-67.) The Ward system is also disclosed as inclusive of a display (Ward: Fig 6) capable of making the result of a metadata pairing algorithm available to a user (Ward: Col 8, l. 4-0-52.) Abajian discloses for grouping metadata search results of structured (ie metatdata) databases, in part to overcome the haphazard and unhelpful display of less sophisticated searches (Abajian: Abstract; section [0005]-[0007].) Thus Ward in view of Abajian discloses the need for display of query results in a manner more relevant to the query based on methods of searching metadata databases and displaying ranked results and makes obvious the inclusion of at least one metadata item (title, or artist for instance) in the display of the ranked results. Furthermore, interfaces functional to display media items heirarchically based on various metadata are well known, exist in the cited art and abound in the commercial marketplace. Regarding Claim 7: see above treatement of Claim 2, if a genre were relevant to the structured search it would be obvious to display genre.